

**FILED****MAY 15 2018**

ALISON P. BUCHANAN – BAR NO. 215710
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Attorneys for Respondent
MINA LEE RAMIREZ

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

STATE BAR COURT
HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:

MINA LEE RAMIREZ,
No. 118302,

A Member of the State Bar

Case Nos. 17-O-00962
17-O-04304
17-O-06062

MINA LEE RAMIREZ'S ANSWER TO
NOTICE OF DISCIPLINARY CHARGES

Pursuant to California State Bar Rule 5.43(C), Respondent MINA LEE RAMIREZ
("Respondent") hereby answers the Notice of Disciplinary Charges ("Notice") of the STATE
BAR OF CALIFORNIA ("State Bar") as follows:

ADDRESS FOR SERVICE

Service on Respondent in regard to the Notice can be made on Alison P. Buchanan,
Hoge, Fenton, Jones & Appel, Inc., 60 South Market Street, Suite 1400, San Jose,
California 95113.

JURISDICTION

1. Respondent admits the allegations contained in Paragraph 1 of the Notice.

COUNT ONE

Case No. 17-O-00962

Rules of Professional Conduct, rule 3-700(D)(2)
[Failure to Return Unearned Fees]

2. Respondent admits the allegation that sometime in 2015 she received
advanced fees from then-client, Mohamed Elemeiry ("Elemeiry"). Respondent further

1 admits that her representation of Elemeiry was brief and that, after terminating the
2 relationships Elemeiry requested an accounting and a return of unearned fees.
3 Respondent eventually provided a complete accounting and full refund. Respondent
4 otherwise denies the remaining allegations in paragraph 2, including that she knowingly
5 failed to return unearned fees in violation of Rules of Professional Conduct Rule 3-
6 700(D)(2).

7
8 **COUNT TWO**
9 **Case No. 17-O-0962**
10 **Rules of Professional Conduct, rule 4-100(B)(3)**
11 **[Failure to Render Accounts of Client Funds]**

12 3. Respondent admits the allegation that sometime in 2015 she received
13 advanced fees from Elemeiry for legal services to be performed. Respondent eventually
14 provided a complete accounting. Respondent otherwise denies the remaining allegations
15 in paragraph 3, including that that she failed to render an appropriate accounting to
16 Elemeiry following his request for an accounting upon termination of the attorney-client
17 relationship, in willful violation of Rules of Professional Conduct Rule 4-100(B)(3).

18 **COUNT THREE**
19 **Case No. 17-O-0962**
20 **Business and Professions Code, section 6068(m)**
21 **[Failure to Respond to Client Inquires]**

22 4. Respondent admits the allegation that Elemeiry contacted employees at
23 Respondent's law office multiple times from late 2015 through 2016. Respondent denies
24 the allegation that she failed to respond promptly to approximately 40 telephonic inquiries
25 from Elemeiry between December 2015 and December 2016. Respondent maintained
26 regular communications with Elemeiry and made good faith efforts to respond to all
27 inquiries. Respondent further denies that she did so in willful violation of Business and
28 Professions Code section 6068(m).

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1 **COUNT FOUR**
2 **Case No. 17-O-0962**
3 **Business and Professions Code, section 6068(i)**
4 **[Failure to Cooperate in State Bar Investigation]**

5 5. Respondent admits the allegation that she received the State Bar's letters
6 dated June 1, July 26 and July 27, 2017, which requested Respondent's responses to
7 allegations of misconduct in case number 17-O-00962. Respondent maintained open and
8 meaningful communication with the State Bar, eventually responded fully, and made a
9 good faith effort to cooperate. Respondent otherwise denies the remaining allegations in
10 paragraph 5, including the allegation that she failed to cooperate and participate in the
11 disciplinary investigation, and that her alleged failure to provide timely responses was a
12 willful violation of Business and Professions Code section 6068(i).

13 **COUNT FIVE**
14 **Case No. 17-O-04304**
15 **Rules of Professional Conduct, rule 3-700(D)(2)**
16 **[Failure to Return Unearned Fees]**

17 6. Respondent admits the allegation that sometime in 2017 she received
18 advanced fees from then-client Gonzalo Gomez ("Gomez") to represent him in a legal
19 matter related to his passport. Respondent further admits that her representation of Gomez
20 was brief and that after terminating the relationship, Gomez requested a return of unearned
21 fees. Respondent eventually provided a complete accounting and full refund. Respondent
22 otherwise denies the remaining allegations in paragraph 6, including that she knowingly
23 failed to return unearned fees in violation of Rules of Professional Conduct Rule 3-
24 700(D)(2).

25 **COUNT SIX**
26 **Case No. 17-O-04304**
27 **Business and Professions Code, section 6068(i)**
28 **[Failure to Cooperate in State Bar Investigation]**

7. Respondent admits the allegation that she received the State Bar's letter
dated September 8, 2017, which requested Respondent's response to allegations of

1 misconduct in case number 17-O-04304. Respondent maintained open and meaningful
2 communication with the State Bar, eventually responded fully, and made a good faith effort
3 to cooperate. Respondent otherwise denies the remaining allegations in paragraph 7,
4 including the allegation that she failed to cooperate and participate in the disciplinary
5 investigation, and that her alleged failure to provide timely a response was a willful violation
6 of Business and Professions Code Section 6068(i).

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8 **COUNT SEVEN**
9 **Case No. 17-O-06062**
10 **Rules of Professional Conduct, rule 3-700(D)(2)**
11 **[Failure to Return Unearned Fees]**

12 6. Respondent admits the allegation that in 2017 her office received advanced
13 fees from then-client Maria Buenrostro ("Buenrostro") for continued representation in a new
14 legal matter. The fees were received by an employee of Respondent and without
15 Respondent's specific knowledge. Respondent does not have access to her office's
16 complete records for Respondent's representation of Buenrostro. Respondent may have
17 previously represented Buenrostro in a different matter and employees from Respondent's
18 office miscommunicated about the scope of the representation in the new legal matter.
19 Respondent otherwise denies the remaining allegations in paragraph 8, including the
20 allegation that she knowingly failed to return unearned fees in willful violation of Rules of
21 Professional Conduct Rule 3-700(D)(2).

22 **COUNT EIGHT**
23 **Case No. 17-O-06062**
24 **Business and Professions Code, section 6068(i)**
25 **[Failure to Cooperate in State Bar Investigation]**

26 7. Respondent admits the allegation that she received the State Bar's letter
27 dated October 19, 2017, which requested Respondent's response to allegations of
28 misconduct in case number 17-O-06062. Respondent maintained open and meaningful
communication with the State Bar, eventually responded fully, and made a good faith effort
to cooperate. Respondent otherwise denies the remaining allegations in paragraph 9,
including that she failed to cooperate and participate in the disciplinary investigation, and

1 that her failure to provide a timely response was a willful violation of Business and
2 Professions Code Section 6068(i).

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4 **COUNT NINE**

5 **Case No. 17-O-06062**

6 **Business and Professions Code, section 6068(m)**
7 **[Failure to Respond to Client Inquires]**

8 4. Respondent denies the allegation that she failed to respond promptly to
9 approximately ten telephonic inquiries from Buenrostro between April and October 2017,
10 and Respondent further denies she did so in willful violation of Business and Professions
11 Code Section 6068(m). Respondent maintained regular communications with Buenrostro
12 and made good efforts to respond to all inquiries.

13 **REQUEST FOR SETTLEMENT CONFERENCE**

14 Respondent requests a Settlement Conference.

15 **PRAYER**

16 WHEREFORE, Respondent MINA LEE RAMIREZ prays for a finding that the
17 aforementioned disciplinary allegations against her are without merit.

18 DATED: May 15, 2018

19 HOGE, FENTON, JONES & APPEL, INC.

20 By

21 

22 Alison P. Buchanan
23 Attorneys for Respondent
24 MINA LEE RAMIREZ
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Case Nos. 17-O-00962
17-O-04304
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PROOF OF SERVICE RE: MINA LEE
RAMIREZ'S ANSWER TO NOTICE OF
DISCIPLINARY CHARGES

17 **PROOF OF SERVICE**

18 I, the undersigned, declare:

19 I am a resident of the State of California, over the age of eighteen years, and not
20 a party to this action or cause. My business address is 60 South Market Street, Suite
21 1400, San Jose, California 95113-2396. On **MAY 15, 2018** I caused to be served in the
22 manner indicated below the attached: **MINA LEE RAMIREZ'S ANSWER TO NOTICE**
23 **OF DISCIPLINARY CHARGES**

24 ☒ **MAIL:** By placing above-referenced document(s) in (a) sealed envelope(s) with
25 fully prepaid postage, following the firm's ordinary business practice for collection and
26 deposit with the United States Postal Service at San Jose, California, to person(s) at
27 the address(es) set forth below:
28

1 Duncan Carling
2 Deputy Trial Counsel
3 The State Bar of California
4 180 Howard Street
5 San Francisco, CA 94105-1639
6 Phone No.: (415) 538-2000
7 Fax No. (415) 538-2220

8 I am familiar with the firm's practice of collecting and processing mail and
9 overnight delivery shipping. That practice provides that all mail is deposited with the
10 U.S. Postal Service or, if an overnight delivery service shipment, deposited in an
11 overnight delivery service pick-up box or given to a delivery service courier, on the
12 same day with postage or fees fully prepaid.

13 I declare under penalty of perjury under the laws of the State of California that
14 the above is true and correct. Executed on **MAY 15, 2018** at San Jose, California.

15 
16 Susan C. Husher

17 Court Action No: 17-O-00962; 17-O-04304; 17-O-06062
18 Case Name: State Bar Investigation - Elemeiry, et al v. Ramirez
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